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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted the Association for Progressive Communications (APC), a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[01 September 2015]

* This written statement is issued, unedited, in the !anguage(s) received from the submitting non-governmental organization(s).

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Bangladesh: bloggers and online activists at risk*

Declining situation for secular bloggers and online activists

The deadly situation facing secular bloggers in Bangladesh presents a grave threat to freedom of religion and belief, as well as the right to freedom of opinion and expression. On the afternoon of August 7, 2015, the Bangladeshi blogger, Niladri Chattopadhyay, was brutally murdered by five assailants armed with machetes. Chattopadhyay, who used the pen name Niloy Neel, was the fourth blogger murdered in Bangladesh this year for their writing on religious, political and social issues, including critique of conservative religious political movements in the country[1].

Although blogging and online activism in Bangladesh is not new, violence has increased since 2013, when a blogger, Ahmed Rajib Haider, was brutally murdered outside his house during the Shahbag protests[2]. Following the protests, a campaign was created by the group Hefazat-i-Islam, labelling all bloggers as atheists and anti-Islamic blasphemers, demanding that they be hanged to death.

In response to this campaign, a government committee was formed, consisting of nine members. The committee, titled "A Committee to track bloggers and Facebook users who made derogatory remarks about Islam and the Prophet Muhammad (PBUH)" prepared a list of 84 bloggers with an aim to take action against them for their allegedly 'anti Islam' writings[3]. The list was later leaked to the public and has since served as a "kill list" for extremist elements.

Since February of 2015, bloggers Avijit Roy[4], Ananta Bijoy Das[5], Washiqur Rahman Babu[6], and most recently, Niladri Chattopadhyay[7] have all been killed in separate attacks after being named on the list.

Impunity for violence against bloggers

To date, there has been a disturbing lack of commitment by the authorities to pursuing the perpetrators. In more than one instance, complaints of threats were registered with police by the victims before their deaths, but were never acted on by authorities. In May 2015, Niladri Chattopadhyay reported on his pen name Facebook page that he had been followed home after attending a demonstration demanding justice for the murder of the blogger Ananta Bijoy Das. When he tried to file a general diary with the police, Chattopadhyay was told that the police do not usually register reports of this kind, since the officer who registers the report will be accountable for the safety of the person filing the general diary, and could lose their job if there are problems[8]. All police stations visited by Chattopadhyay refused to register his general diary. After Niladri Chattopadhyay was murdered, the Inspector General of Police's response was to warn bloggers not to "cross the line" and to avoid hurting religious sentiments[9].

1 https://globalvoicesonline.org/2015/08/07/no-country-for-secular-bloggers-four-bangladeshi-bloggers-killed-in-2015/
2 https://en.wikipedia.org/wiki/Ahmed_Rajib_Haider
3 https://advocacy.globalvoicesonline.org/2013/04/01/bangladesh-authorities-go-after-anti-muslim-bloggers/
4 http://www.ifex.org/bangladesh/2015/02/27/blogger_killed/
5 http://www.ifex.org/bangladesh/2015/05/13/blogger_killed/
6 http://www.ifex.org/bangladesh/2015/03/30/blogger_murdered/
7 http://www.ifex.org/bangladesh/2015/08/10/niloy_neel_killed/
8 http://www.dhakatribune.com/crime/2015/aug/07/niloy-neel-was-advised-police-leave-country
9 http://bdnews24.com/bangladesh/2015/08/09/igp-suggests-bangladesh-bloggers-to-not-cross-the-line-not-write-blogs-that-may-hur eligious-sensitivities

While the recent arrest of three men in connection to the murders of Avijit Roy and Ananta Bijoy Das is a promising step towards justice[10], much work remains to ensure an enabling environment in which opinions and beliefs can be expressed without fear of violent reprisal.

Crackdown on freedom of expression online in Bangladesh in the context of religion

The government of Bangladesh is tightening controls over freedom of expression online through repressive laws and practices, often in the context of religion. In 2013, Bangladesh amended the Information, Communication and Technology Act, which already included provisions that were incompatible with Bangladesh's obligations under Article 19 of the International Covenant on Civil and Political Rights (ICCPR). In particular, Section 57 of the Act to criminalises the publishing of material deemed to be fake or offensive, or "causes to deteriorate or creates possibility to deteriorate law and order, prejudice the image of the State or person or causes to hurt or may hurt religious belief or instigate against any person or organization". The vague and overbroad language included in Section 57 imposes restrictions on freedom of expression that go beyond what is permissible under Article 19(3) of the ICCPR, meaning that they are not necessary and proportional to achieve a legitimate purpose. Restricting expression that could damage the "state's image", cause the "deterioration" of law and order, or hurt "religious belief" can be used to silence criticism of the government or religious authorities, and in particular target marginalised and minority voices.

The broad language used in the Act can be applied to convict a person for posting something online that is critical of government policy, or other forms of expression that are protected under international human rights law. The Act stipulates that crimes committed online will be punished more severely than those that take place offline. According to the Act, officers may arrest a suspect without a warrant or any means of judicial approval and keep that person in detention for an indefinite period without bail. Additionally, it sets a minimum sentence of 7 years' jail time for offenses, such as damage to computer systems, hacking, publishing fake content, breach of access, with a maximum 14 years, as opposed to the original 10.[11] There is a fear that amendments to the Act may be designed to stifle the legitimate exercise of public criticism and to subject various persons including journalists, bloggers, and human rights defenders to arbitrary detention for indefinite periods without bail, giving near absolute power to the investigating agencies and leaving regular citizens with very little opportunity for recourse.[12]

In 2014, the government passed a Broadcast Policy that prohibits broadcasters from disseminating any news, photos, or videos that could tarnish the image of law enforcement agencies and armed forces. The policy prohibits any broadcasts that, directly or through advertisements, run counter to the government or public interest, and forbids the broadcasting of news that could cause "communal discord" or impede national security, according to media reports.

Recommendations

10 http://www.theguardian.com/world/2015/aug/18/briton-touhidur-rahman-arrested-in-bangladesh-over-murders-of-secular-bloggers

11 https://advocacy.globalvoicesonline.org/2013/09/[illegible]angladeshs-ict-act-stoops-to-new-lows/

12 http://icj.wpengine.netdna-cdn.com/wp-content/uploads/2013/11/ICT-Brief-Final-Draft-20-November-2013.pdf

The UN Human Right Council, its members and observer states should urge the Government of Bangladesh to:

1. Ensure the protection of freedom of expression in the context of religion for all individuals and all communities at all times, including bloggers and online activists, by recognizing that freedom of expression is essential to sustaining a pluralistic society and by respecting all religious belief and opinions
2. Create an enabling environment for the exercise of freedom of expression in the context of religion, by implementing laws, and accompanying policy measures relating to freedom of expression in the context of religion in a non-discriminatory manner.
3. Reform the Information, Communication and Technology Act (2006) as amended in 2013 so that it is consistent with Bangladesh's legal obligations under the ICCPR, in particular by amending Section 57 so that any restrictions on freedom of expression fall within the guidelines outlined by Article 19(3) and are necessary to a legitimate aim and proportionate to the harm caused by the expression.
4. Halt the crackdown against bloggers and journalists practising their rights to free expression, including secular speech.
5. End impunity for violence against journalists, bloggers and online activists, including those who are targeted for being labeled as atheists and anti-Islamic blasphemers, or because their writings are perceived as 'anti Islam', as causing hurt or may hurt religious belief, or criticising the conservative religious political movements.
6. Immediately ensure the safety, non-discrimination and well-being of all Bangladeshis, by deploying protection mechanisms for bloggers and other citizens of the internet, so that future instances of violence can be averted and addressed.

APC is an international NGO with ECOSOC consultative status, as well as a network with 46 members in 34 countries, mostly in the global south. APC dedicated to the use of information and communication technologies (ICTs) for social justice, development and human rights. Bytes for All, Pakistan is a human rights organization and a research think tank with a focus on ICTs for sustainable development and strengthening human rights movements in the country.

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*Bytes for All, Pakistan, NGO without consultative status, also shares the views expressed in this statement.